

17 MAY 2006
10/579725

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING NATIONAL PHASE OF
PCT APPLICATION UNDER 25 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

To: Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty. Dkt.: 2545-0506

From: Harbin King & Klima:

Date: May 17, 2006

This is a REQUEST for FILING a PCT/USA National Phase Application based on:

| | | |
|------------------------------|------------------------------|--|
| 1. International Application | 2. International Filing Date | 3. Earliest Priority Date Claimed (use item 2 if no earlier priority) |
| PCT/IB2004/003766 | 11 November 2004 | 17 November 2003 |
| | DAY MONTH YEAR | DAY MONTH YEAR |

4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a) ☐ 20 months from date above in item 3 (b) ☒ 30 months from date above in item 3

Therefore, the due date (unextendable) is: May 17, 2006

5. Title of Invention: System For Monitoring And Controlling Machines Used In The Manufacture Of Tobacco Products

6. Inventor(s): BENCIVENNI, Marco; TREVISONNO, Eura & CERATI, Luca

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. ☒ Please immediately start National Examination procedures (35 U.S.C. 371 (f)).

8. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) is transmitted herewith (filed if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:

a. ☐ Request c. 22 pages of Specification and Claims
b. ☐ Abstract d. 6 sheet(s) of Drawings – which are ☐ informal ☒ formal / ☒ A4 ☐ 11"

9. ☒ A copy of the International Application has been transmitted by the International Bureau.

10. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2))

a. ☐ is transmitted herewith including:

(1) ☐ Request (3) pages of Specification and Claims
(2) ☐ Abstract (4) sheet(s) of Drawings – which are ☐ informal ☐ formal / ☐ A4 ☐ 11"

b. ☐ is not required, as the application was filed in English.

c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.

d. ☐ Translation verification attached (not required now).

11.

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12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:
13. ☐ PCT Article 19 claims amendments (if any) have been transmitted by the International Bureau.
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from date if item 3, box 4(a) above is X'd, or 30th month if box 4(b) is X's, or else amendments will be considered cancelled.)
15. **A Declaration of the Inventor (35 U.S.C. 371 (c)(4))**
- a. ☒ is submitted herewith ☐ Original ☒ Facsimile / Copy
- b. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**
- a. Was prepared by ☒ European Patent Office ☐ Japanese Patent Office ☐ Other
- b. ☒ has been transmitted by the International Bureau to the PTO.
- c. ☒ copy herewith (3 page(s)) ☒ plus Annex (1 page(s)) ☒ plus Written Opinion of ISA 4 (page(s)).
17. **International Preliminary Report on Patentability PCT/IPEA/409:**
- a. ☐ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.
- b. ☐ copy herewith in English
- c. ☐ IPER Annex(es) in original language (Annexes are amendments made to claims / spec / drawings during Examination) including attached amended:
- d. ☐ # Specification / claim pages # Claims # Drawing Sheet(s)
- e. ☐ Translation of Annex(es) to IPER (required by 30th months due date, or else annexed amendments will be considered cancelled.)
18. **Information Disclosure Statement including:**
- a. ☒ Attached Form PTO-1449 listing documents.
- b. ☒ Attached copies of documents listed on Form PTO-1449.
- c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☒ **Assignment** document and Recordation Cover Sheet are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ **Drawings** (complete only if 8d or 10a(4) not completed): # Sheets per set # of Sets
- ☐ Informal ☐ Formal ☐ A4 ☐ 11"
22. Small Entity Status ☒ is **NOT** claimed ☐ is claimed (pre-filing confirmation required).
- 22a. # Small Entity Statements enclosed (since 9/8/00 Small Entity Statements not essential to make claim).
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the International Stage based on the filing in (country) Italy of:
- | <u>Application Number</u> | <u>Filing Date</u> | <u>Application Number</u> | <u>Filing Date</u> |
|---------------------------|--------------------|---------------------------|--------------------|
| (1) BO2003A 000684 | 17 November 2003 | (2) | |
| (3) | | (4) | |
- a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.
- b. ☒ Copy of Form PCT/IB/304 attached.

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24. Attached:

25. ☒ **Preliminary Amendment Attached**

25.5 Per Item 17d, cancel original pages # , claims # , and Drawings sheets #

26. **Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1) and other fees is as follows:**

BASIC NATIONAL FEE 37 C.F.R. 1.492: **BASIC FEE REQUIRED NOW**

| | | |
|---------------------------------------|-----------|-----|
| 27. Basic National Stage Fee 1.492(a) | \$300/150 | 300 |
|---------------------------------------|-----------|-----|

One only of 28a, 28b, 28c or 28d.

| | | |
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| 28a. National Stage Search Fee - US was ISA or IPEA and all claims satisfy PCT Article 33 (1)-(4); 1.492(b)(1) | \$0 | |
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| 28b. National Stage Search Fee - US was ISA; 1.492(b)(2) | \$100/50 | |
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| 28c. National Stage Search Fee - Search Report Prepared And Provided To USPTO 1.492(b)(3) | \$400/200 | 400 |
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| 28d. National Stage Search Fee – All Other Situations; 1.492(b)(4) | \$500/250 | |
|--|-----------|--|

One only of 29a or 29b.

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| 29a. National Stage Examination Fee – US was ISA or IPEA and all claims satisfy PCT Article 33(1)-(4) 1.492(c)(1) | \$0 | |
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| 29b. National Stage Examination Fee – All other situations 1.492(c)(2) | \$200/100 | 200 |
|--|-----------|-----|

Based on amended claim(s) per above item(s)

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| 30a. Total 27 Minus 20 = 7 Effective Claims | X \$50/25 | 350 |
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| 30b. Independent 1 Minus 3 = 0 Claims | X \$200/100 | 0 |
|--|-------------|---|

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| 30c. If any proper (ignore improper) Multiple Dependent claim is present, add | \$360/180 | |
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| 31. Assignment Recordation Fee | \$40 | 40 |
|--------------------------------|------|----|

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| 32. TOTAL FEES | | 1290 |
|-----------------------|--|-------------|

33. ☒ Attached is a check/credit card payment form to cover the total fees

34. ☐ Please charge the total fee to our deposit account below under the stated order no. below:

35. Our Deposit Account No.: 50-3272 Our Order No.: 2545-0506

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Harbin King & Klima
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 Washington, DC 20003
 Main: (202) 543-6404
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By Atty.: Timothy J. Klima

Reg. No.: 34,852

Sig: _____